• T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			17-Sep-07	APPL. S. N:	10767514					
To Examiner:			HA, DAC V.	Art Unit	2611					
From			Ward, Karen PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68					
SUBJECT	SUBJECT: Decision on Terminal Disclaimer(T.D.) filed:									
form para or have a	agraphs id iny questi	dentified by t ions, please s	his informal memo in your next C see me or the Special Program Ex	sults as set forth below. If you ag iffice action to notify applicant of aminer. THIS IS AN INFORMAL, I RECORD IN THE APPLICATION FIL	the T.D. If you disagree					
please initial, date and return this memo to me. THANK YOU.										
<u> </u>	The T.D. is PROPER and has been recorded (see 14.23).									
	The T.D.	The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):								
	The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account									
	The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).									
	The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).									
	The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a termin portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).									
		The person who signed the T.D.:								
		is r	not an attorney "of record" (see 1	4.29 and 14.29.01).						
		has	s failed to state his/her capacity t	o sign for the business entity (see	e 14.28).					
		is r	not recognized as an officer of the	e assignee (see 14.29 & possible 1	4.29.02).					
		No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).								
		The T.D. is r	not signed (see 14.26 & 14.26.03).						
		The serial nu patenting re	umber of the patent) which forms e 14.32).	the basis for the double						
	The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).									
		The period d	lisclaimed is incorrect or not spec	ified (see 14.26, 14.27.02 or 14.2	.6.03).					
		Other:								
			to request refund (see 14.36). NC check this item.	DTE: If already authorized, credit	refund to deposit account					
I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.										
Ex.Initial	s:	Da	te:		Log Date:					

Application Number	Application/Control No.		Applicant(s)/Patent under Reexamination AGAZZI, OSCAR E.						
Document Code - DISQ	Internal Doc		ocument – DC	cument – DO NOT MAIL					
TERMINAL DISCLAIMER	⊠ APPROVED		☐ DISAPPROVED						
Date Filed : august 20, 2007	This patent is subject to a Terminal Disclaimer								
Approved/Disapproved by:									
Henry D. Jefferson									

U.S. Patent and Trademark Office

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Approved for use through 03/31/2007. OMB 0861-0031
U.S. Palent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT

Docket Number (Optional) 13479US04

In re Application of: Oscar E. Agazri et al.

Application No. 10/787,514

Filed: January 29, 2004

For: STARTUP PROTOCOL FOR HIGH THROUGHPUT COMMUNICATIONS SYSTEMS

The owner*. Broadcom Corporation, of 100 percent Interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the Instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,212,225 as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent su granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly. owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent

expires for failure to pay a maintenance fee;

is held unenforceable;

is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;

has all claims canceled by a reexamination certificate;

is reissued: or

is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful felse statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopard be the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of report

Signature

August 20, 2007

Date

John A. Wiberg

08/21/2007 EAYALEWI 00000155 130017 10767514

Typed or printed name

02 FC:1814

130.00 DA

312-775-8000

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND PEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/ SB/26 (09-00)

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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT

Docket Number (Optional) 13479US04

In re Application of: Oscar E. Agazzi et al.

Application No. 10/767,514

Filed: January 29, 2004

For: STARTUP PROTOCOL FOR HIGH THROUGHPUT COMMUNICATIONS SYSTEMS

The owner. <u>Broadcam Corporation</u>, of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. <u>8.792.038</u> as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the granted, its successors or

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is held unenforceable;

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is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;

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Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on I hereby declare that all statements made nerem or my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these determents were made with the knowledge that willful false statements and the like so made are punishable by fine or impressioned, or both, order Section 1001 of Title 18 of the United States Code and that such willful laise statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an ellorney or agent of record.

Signature

08/21/2007 EAYALEWI 00000155 130017 10767514

03 FC:1814

130.00 DA

John A. Wiberg

Typed or printed name

312-775-8000

Telephone Number

August 20, 2007

Date

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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